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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,502	06/28/2000	Valerie Hansen	PRBU115349	8356

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EXAMINER

AKERS, GEOFFREY R

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 11/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/607502

Applicant(s)

Hansen

Examiner

Alon, G

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/14/03.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Response to Request for Continued Examination(RCE)

1. This action is issued in reply to applicant's Request for Continued Examination(RCE)(Paper # 14) filed 10/14/03.
2. Claims 1,2,12-18,26-36 were amended.No new claims were added. None were deleted.
3. Claims 1-36, as amended, are pending.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-36 are rejected under 35 USC 103(a) as unpatentable over Giovannoli(US Pat. No: 5,842,178) in view of Odom(US Pat. No: 6,058,379) in view of Mandler(US Pat. No: 5,732,400) and further in view of Popolo(US Pat. No: 5,715,402).

6. As per claims 1-36 Giovannoli teaches a plurality of agents connected to a network(Abstract)(Fig 1) including a server, a buyer and a seller(Fig 1) and a method for calculating a quotation(Fig 2A) including product specification(Fig 2A) and transmitting the product specification data set to a seller(Fig 2A) and receiving responses from the vendors to

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provide to the buyer(Fig 2B) as well as responding to a request for quote by e-mail(Fig 3) and generation of the required RFQ(Fig 6)(Fig 5) using the Internet(Fig 4) including product specification, tracking numbers, quantities, vendor qualifications,dates, prices, taxes, delivery time and charges(Fig 7).Giovannoli does not specifically teach a step process involving receiving a price data set from a seller. Odom teaches this as well as transmission of purchase orders and a clearinghouse response(Fig 5/530) to a buyer's risk rating(col 2 lines 43-47) including acceptance or rejection(Fig 5/525). Odom further teaches(col 5 line 11-col 7 line 31) a multiple step exchange including (1) identifying a commodity,(2) listing information on the commodity,(3) accessing the information by the purchaser,(4) accessing the exchange where the commodity trades,(5) processing information generated by the purchaser including negotiation,(6) concluding the negotiation and (7) clearing(Abstract).Odom further teaches receiving the price data from a seller's agent(col 5 lines 25-45) as well as operating over a network(Fig 1/110) and ensuing negotiations(Fig 2/225). Additionally, Odom teaches allowing actual real world(market) events to take place affecting price (Fig 4/405) and modifying the data to reflect the event(Fig 4/410).Odom does not specifically teach renegotiation of a price due to risk based discounting. Mandler teaches renegotiation of a price due to risk based discounting(col 5 lines 6-17) as well as determining the risk classification of the buyer(Fig 3B)(Fig 3A/S2/S3/S5) and threshold buyer risk classes(Fig 5A)(Fig 5B).Mandler does not specifically teach normalized price data. Popolo teaches receiving metric data from one source(Fig 7/190) and generating a normalized price data value(col 9 lines 21-50) for a

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commodity having size and type parameters(Panel #1)(col 11 lines 47-60)(Panel 10)and communicating the price data value to the buyer(col 9 line 62-col 10 line 18) as well as assembling bid data including times,quantities(col 13 lines 1-17) as well as a buyer's menu(col 14 line 50-col 16 line 40).Popolo further teaches displaying updates,personal settings (Fig 3) as well as specifying the units of measure(Fig 4/60) and posting items on the seller's menu(Fig 6) including the item description(Fig 6/120) and refreshing indeces(Fig 6/154). Popolo also teaches that in posting the item for sale that the attributes are posted(Fig 7/172/174/178) as well as modifying the ask price due to a fee which could be a metric data piece(Fig 7/194).Popolo teaches entering bids and revised bids and a refreshed index(Fig 8) as well as a specification sheet(col 10 lines 6-36). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Giovannoli in view Odom to teach part of applicant's disclosure. The motivation to combine is to teach a system for computer based quotations which may be utilized to provide filtering and which enables a seller to determine the style and parameters of an auction and which enables the seller to intervene during the exchange process as enunciated by Odom(col 2 lines 34-38). It also would have been obvious to one of ordinary skill in the art at the time of the invention to combine Giovannoli in view of Odom and further in view of Mandler to teach part of the disclosure. The motivation to combine is to teach a transactional system between sellers and buyers that are unrelated which includes a clearinghouse that makes a dynamic real time risk assessment of buyers that determines a credit line for each buyer and a risk-based discount rate for each buyer based on the buyer's risk classification as enunciated by

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Mandler(col 3 lines 31-47).Furthermore, it also would have been obvious to one of ordinary skill in the art at the time of the invention to combine Giovannoli in view of Odom in view of Mandler and further in view of Popolo to teach all of the disclosure. The motivation to combine is to teach a transactional system between sellers and buyers that are unrelated which includes a clearinghouse that makes a dynamic real time risk assessment of the buyers and which determines a credit line for each buyer and which may be applied to commodities trading as enunciated by Popolo(col 1 lines 46-60).

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 32 ~~and~~ 36 are also rejected under 35 USC 101 for failing to provide a concrete,useful and tangible result.

Claim Rejections - 35 USC § 112

9. Claims 1 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.In particular, the actual method of calculating the normalized price data value between the quoted value and the metric data should be delineated. The claim is too indefinite as this step is presently presented as simply a comparison.

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Response to Arguments

10. Applicant's arguments with respect to claims 1-36 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. **THIS ACTION IS MADE NON-FINAL.**

12. Any questions concerning this communication should be addressed to the examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the examiner are unsuccessful, the examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.

GRA

November 3, 2003

DR. GEOFFREY R. AKERS, P.E.
PRIMARY EXAMINER